

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ALEXANDRA KUSEN, et al.,

Plaintiffs,

v.

JAMES H. HERBERT, II, et al.,

Defendants.

Case No. [23-cv-02940-AMO](#)

**ORDER RESOLVING MOTION TO  
INTERVENE, MOTION TO STAY,  
AND MOTION TO CONTINUE**

Re: Dkt. Nos. 135, 140, 145

This order resolves the pending motion to intervene, ECF 135, motion to stay, ECF 140, and motion to continue, ECF 145. In light of the parties' representations at the status conference held April 18, 2024, the Court grants the motion to intervene for the limited purpose of permitting the FDIC, as Receiver for First Republic Bank ("FDIC-R"), to move dismiss the operative complaint. All motion to dismiss briefing shall proceed on the following schedule:

- Defendants' motions to dismiss and FDIC-R's motion to dismiss due by May 23, 2024.
- Lead Plaintiff's omnibus opposition to Defendants' motions to dismiss and opposition to FDIC-R's motion to dismiss due by July 22, 2024.
- Defendants' and FDIC-R's replies in support of their respective motions to dismiss due by September 5, 2024.

As set forth in the stipulation and order entered March 13, 2024, the following limitations apply to the briefing on Defendants' motions to dismiss:

- The Individual Defendants may file one consolidated motion to dismiss, and KPMG may file a separate motion to dismiss.
- The page limit for the Individual Defendants' consolidated motion to dismiss shall be 35 pages and the page limit for KPMG's motion to dismiss shall be 15 pages.
- Plaintiffs' omnibus opposition to Defendants' motions to dismiss shall be no more than 50 pages.

- The page limit for the Individual Defendants' consolidated reply in support of their motion to dismiss shall be 20 pages and the page limit for KPMG's reply in support of its motion to dismiss shall be 10 pages.

ECF 128 at 8.

The FDIC-R's brief in support of its motion to dismiss shall not exceed 25 pages. Lead Plaintiff's opposition brief shall not exceed 25 pages. The FDIC-R's reply brief shall not exceed 15 pages.

Courtesy copies of these filings shall be provided as required by the Court's Standing Order for Civil Cases ¶ H.6.

**IT IS SO ORDERED.**

Dated: May 6, 2024



ARACELI MARTÍNEZ-OLGUÍN  
United States District Judge